

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ANA L. DIONICIO and ALEJANDRO M. WESAW, individually, and as a representative of a Class of Participants and Beneficiaries of the U.S. Bank 401(k) Savings Plan,

Plaintiffs,

v.

U.S. Bancorp, the Board of Directors of U.S. Bancorp, and U.S. Bancorp's Benefits Administration Committee and U.S. Bancorp's Investment Committee,

Defendants.

Case No. 0:23-cv-00026-PJS-JFD

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7.1, Defendants U.S. Bancorp, the U.S. Bancorp Board of Directors, U.S. Bancorp's Benefits Administration Committee, and U.S. Bancorp's Investment Committee (together, "Defendants" or "U.S. Bank"), by and through their undersigned counsel, hereby move to dismiss Plaintiffs' Amended Complaint (ECF No. 28) in its entirety and with prejudice for failure to state a claim upon which relief may be granted. In support of this Motion, Defendants submit the accompanying Memorandum of Law and related exhibits.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, Defendants respectfully request the Court grant such Motion and dismiss the Amended Complaint in its entirety and with prejudice.

Date: May 2, 2023

/s/ Melissa D. Hill

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